

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

ANGELA CANTRELL,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-07-249-KEW
)	
AETNA LIFE INSURANCE COMPANY,)	
a foreign insurance)	
corporation,)	
)	
Defendant.)	

OPINION AND ORDER

This Court acknowledges the filing of Plaintiff's Stipulation Regarding ERISA and Joint Notice Regarding Stipulation of ERISA Coverage and Scheduling Matters, both filed January 11, 2008 (Docket Entry Nos. 19 and 20, respectively.) On October 4, 2007, this Court conducted a Scheduling Conference in this case. Counsel in attendance indicated limited discovery and briefing was necessary on this issue of whether the plan from which Plaintiff sought benefits was governed by the provisions of ERISA. To that end, a limited discovery order was entered to permit the parties to ferret out and brief this issue.

Through her latest filings, Plaintiff now stipulates that the plan is governed by ERISA and voluntarily dismisses all claims which she originally brought based upon state law, leaving only the claim for recovery of benefits under the plan. Additionally, both parties request that this Court establish a schedule for the submission of the administrative record and motions in order to review the decision of the plan administrator regarding Plaintiff's entitlement to benefits. The parties request that these deadlines


be set sixty (60) days hence to permit their informal efforts toward settlement to proceed. All of the parties requests appear both reasonable and appropriate, given the current status of the case.

IT IS THEREFORE ORDERED that, pursuant to Plaintiff's Stipulation filed January 11, 2008 (Docket Entry No. 19), Plaintiff's claims for (1) breach of contract based in state law; (2) prejudgment interest and attorneys' fees under state law; and (3) breach of the implied covenant of good faith and fair dealing are hereby **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the schedule established in the minute order of October 4, 2007 (Docket Entry No. 18) is hereby **STRICKEN**. In its stead, the parties shall abide by the following schedule:

- 1) The parties shall exchange all documents that each party contends should be included within the administrative record by **MARCH 5, 2008**;
- 2) The administrative record shall be jointly filed by **MARCH 21, 2008**; and
- 3) Dispositive motions on the administrative record shall be filed by **APRIL 22, 2008**. Responses and replies to any dispositive motions filed by the parties shall be filed by the deadlines set forth in this District's local rules.

IT IS SO ORDERED this 16th day of January, 2008.


KIMBERLY E. WEST
UNITED STATES MAGISTRATE JUDGE